

112603
16698 U.S. PTO

Divisional of Application Serial No. 09/958,466
Filing Date: November 26, 2003
Attorney Docket No. 08676.0011.01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Prior Application Art Unit: 3641

Prior Application Examiner: Johnson, Stephen

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SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/958,466, filed October 5, 2001, of James Michael O'DWYER, for PROJECTILE LAUNCHING APPARATUS.

1. ☒ Enclosed is a complete copy of the prior application, including the oath or declaration and drawings, as originally filed. I hereby verify that the attached prior application is a true copy of prior application Serial No. 09/958,466, as originally filed on October 5, 2001, and the attached declaration is a true copy, as originally filed on February 8, 2002, which are incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 above.

Basic Application Filing Fee					\$770	\$ \$770.00
	Number of Claims		Basic	Extra Claims		
Total Claims	5	-	20	0	x \$18	\$0.00
Independent Claims	1	-	3	0	x \$86	\$0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$290	\$0.00
Subtotal						\$ \$770.00
Reduction by 1/2 if small entity						- \$0.00
TOTAL APPLICATION FILING FEE						\$ \$770.00

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6. ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required, including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or to credit any overpayment during the pendency of this application, to Deposit Account No. 06-0916.
8. ☐ Amend the specification by inserting before the first line, the following new paragraph:
- This is a ☐ continuation ☐ division of application Serial No.[Text], filed [Date] **[LIST ALL PREVIOUS APPLICATIONS IN CHAIN INCLUDING ANY PRIOR PCT APPLICATIONS, and their status], [and claims the benefit of U.S. provisional application no. 60/[Text], filed [Date],] [all of which are] [which is] incorporated herein by reference.**
9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: METAL STORM LIMITED
11. ☒ Priority of Australian patent application Serial No. PP 9612, filed April 7, 1999, in the Australian Patent Office, is claimed under 35 U.S.C. § 119. A certified copy
- ☐ is enclosed or ☒ is on file in prior U.S. Application No. 09/958,466.
12. ☐ A verified statement claiming small entity status
- ☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No.

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14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
17. ☐ Recognize as associate attorney:

18. ☐ Also enclosed is _____

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PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/958,466, filed October 5, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 26, 2003

By: 

Michael L. Woods

Reg. No. 50,811

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